

**MEMO ENDORSED**

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November 8, 2007

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Honorable James C. Francis IV
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: Remmes v. City of New York, et al., 05 CV 9940 (RJS) (JCF)

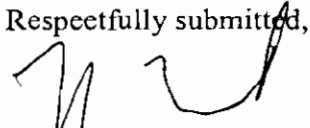
Dear Judge Francis:

I write in reply to the letter of November 6 from plaintiff's counsel, Jason Rozger. Mr. Rozger concedes that the proper sanction in this case is preclusion of Ms. Remmes' ability to offer evidence of her alleged physical injuries and emotional distress. The only issue is Mr. Rozger's inability to reach his own client or obtain releases from her, which reflects plaintiff's reluctance to proceed with her own case. Accordingly, defendants respectfully request that the Court enter an order dismissing all of plaintiff's claims for physical injuries and emotional distress with prejudice.

Ms. Remmes may have agreed to attend her November 13th deposition, but defendants will not be in a position to take her deposition by that date without the proper medical records. Accordingly, defendants further request that this deposition date be adjourned, with a new date to be set by the parties.

11/9/07
The deposition shall proceed as scheduled. I will consider defendants' dismissal motion thereafter.

Respectfully submitted,


Fred M. Weiler (FW-5864)

cc: Jason Rozger, Esq. (via e-mail)

SO ORDERED.
James C. Francis IV
USMJ